Strahlmann, Dr. L. 1-2-44
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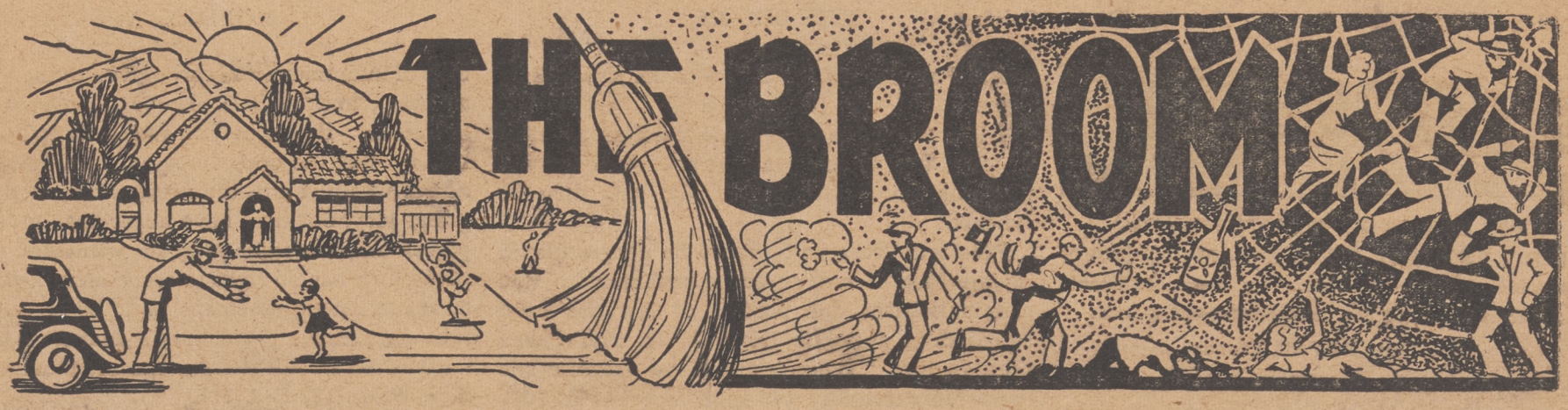

VOLUME XIII. No. 46. SAN DIEGO, CALIFORNIA, MONDAY, AUGUST 9, 1943 $2.50 PER YEAR—SINGLE COPY 5 CENTS

Judge and Jury Jolt F B I

ROSCOE A. COFFMAN NOT GUILTY OF SEDITION

The greatest jolt in the history of San Diego federal court records was administred to the Gestapo-Ogpu tactics of the FBI in the case of "U. S. vs. Roscoe A. Coffman", charged with counselling Robert L. Reed and Lloyd Coffman, nephew, of Fallbrook, Calif., to evade the draft.

In the first instance Federal Judge Leon R. Yankwich administered a fulminant lashing to the F B I for looting R. A. Coffman's home without a search warrant and ordered all his papers, magazines, documents returned. In the second instance the jury of 12 San Diego outstanding professional and business men revolted at the revelations that the F B I collaborated with the wife of Lloyd Coffman, Francis Coffman, not only to entrap the uncle into a charge of "counselling to evade the draft", but to deny her own husband the agricultural deferment to which he seemed to be legally entitled, merely because the uncle was opposed to "Jewish domination of the government and economic setup" in the U. S. A.

Mrs. Francis Coffman took the stand and stated that she was so "burned up" when she heard the views of the older Coffman expressed to his nephew that she stole the letters the uncle had written to her husband and turned them over to the F. B. I. who thereafter counselled her how to continue to keep her husband in ignorance of the fact that she was betraying her marital confidence, so that she might continue to steal his letters and thru the F B I influence with the draft board at Hollywood, Calif., deprive him of agricultural deferment and jail the senior Coffman for attempting to secure that deferment by proper and legal means.

Testimony showed that the draft board was influenced by the F B I, that Coffman had sufficient agricultural units to entitle the nephew to deferment, but that both of them were victims of underhanded misuse of burocratic power because R. A. Coffman was " against Roosevelt and his Jewish advisors".

Judge Yankwich instructed the jury to disregard the Jewish racial phase of the matter and to concern themselves strictly with the fact as to whether Roscoe had endeavored by legal means to secure an agricultural deferment for his nephew who was the sole worker in his employ on the 80 acres ranch at Fallbrook. The jury found Roscoe's activities to have been fully within the law.

During the testimony it also developed that Roscoe is a famous inventor who produced the cartridge which is universally patented and used to start airplane motors. That he has licensed the U. S. Government and Britain to use his patents but refused to permit its use to Germany and Russia. He had made a fortune in royalties and the ranch was part of his re-investments. He also was a veteran in the suicide tank brigade in the first world war and displayed his honorable discharge.

Attorneys for the defense were David Cannon, of Los Angeles, and James E. Wilkinson of New York. Cannon was formerly an U. S. Attorney "who never lost a case", according to prosecutor Norcop's final address to the jury, in which Norcop confessed that Cannon had been his former superior and had taught him what ability Norcop had as a prosecutor.

Wilkinson also is a former U. S. Attorney of New York who prosecuted and convicted John M. Phillips, the notorious "Sewer Pipe King of Queens county" in N. Y., of a seven million dollar sewer pipe swindle. He also is the originator of the idea of instituting the income tax proceedings against Al Capone which resulted in the gangster's incarceration.

I spent 2 days in the court room to see how a San Diego court and jury would handle a case where a man is prosecuted for being "anti-Roosevelt" in fact, under the pretense that he "interferred with the military forces". During that time I had two excellent personal interviews with Judge Leon R. Yankwich, born in Romania, just a few miles from where I was born. The highlights of the interviews I shall present in coming issues, with my impressions of the Judge and comments on the subject discussed: Racial Bigotry.

"Racial Bigotry stinks," said the judge. "I equally detest the activities and attitude of the anti--semitic agitators as I detest Rabbi Wise's aggressiveness in this racial, ugly narrow-mindedness."

"Now judge," replied de Aryan, "we stand on common ground."

———B———

No City Sales Tax Needed

To the Honorable, the Mayor and City Council of San Diego, California.

Gentlemen:

I notice that you have instructed City Manager Walter W. Cooper to furnish you with an estimate on the revenues that might be expected from a license tax of one-half of one percent on gross sales from merchants in San Diego.

May I suggest that you also instruct the City Manager to make a survey of the rents being collected from business establishments. I believe it would be supplying you with a very interesting picture of what happened to this city during the last three years. Whether the business place is rented from another person or whether the business owns its location, in each case rent item figures separately on the books. Let the City Manager furnish you with a comprehensive survey of rents in various blocks and parts of the city to give a comprehensive picture, for the last three years. He need not make an exhaustive survey. A sample will do the work.

You will then notice that rent values of business properties have increased and the index will show you by what factor.

If instead of adding a sales tax to the merchant's troubles you would prevail upon the assessor to increase the tax value of the better rent producing business properties, the city as well as the county, could recapture that increase which was not created by the landlord but the customers.

The idea of the sales tax is to make the customers pay. Well, the customers are paying, only the landlord gets it in place of the treasury but your treasury needs that revenue. Give the landlord a chance to demonstrate his patriotism by not pocketing the increased rent values from the defense effort but turn it over to the treasury to pay the added expense due to defense centralization in this city, and county.

If you levy a half cent sales tax on the dollar sale you are going to add more troubles upon the head of the retail merchant who will have to keep extra books for the city on top of the books for the state. But since the merchant is already paying higher rent for the increase in trade, and the customer pays that rent, then simply ask the landlord to turn over that increase to the treasury and no sales tax is needed, no extra books to be kept, no additional reports to be made, no additional money to be taken out of the tills.

Why permit the landlord to get something for nothing and then double-charge the customers of his lessee by passing on to them an additional levy and making the merchant a tax collector who works for nothing and gets no thanks for it?

Yours truly, C. LEON de ARYAN.

———B———

Governor Earl Warren of California has now his chance to redeem his promise to Ham & Eggers, given last year before election, that he won't double cross them as Olson did. Watch Warren endorse the Ham & Egg Constitutional Amendment in California!

"NOT AFRAID TO TELL THE TRUTH"
PUBLISHED EVERY MONDAY
Published at 3865 - 43rd St., San Diego, California
Subscription $2.50 per year; $1.30 for 6 months
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C. LEON de ARYAN, Editor
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Punish the War Criminals

President Roosevelt has renewed the demand and promise that the war criminals be punished. Is it more campaign oratory? The Kaiser was going to be hanged at the conclusion of the last war. Now the neutrals are being warned not to harbor the "war criminals", whoever they be.

But lets suppose that those who started this war were to be hauled before the Bar of Justice. Will they bring in the men who financed Hitler and set Adolf up in "business" as a Fuehrer? Without money Hitler would have been just another crackpot. With money Hitler organized an army of unemployed and campaigned till he took over Germany. And why did he succeed?

Communism drove Germany into Hitler's hands. The fear of Communism. Who was it that financed Trotzky and Lenin and helped Trotzky to enforce the decree of the Communist regime? Will that come out to light at the trial of Hitler? For unless a Communist menace was established in Europe there could have been no Hitler. The campaign of Hitler would have fallen flat. So, who established the Communists and set them up in Russia and menaced the whole world?

Who is the man that profited most from the Spanish Civil War and financed Franco, who in turn invited the Fascists and the Nazis to practice their war tactics in actual combat against Communists in Spain?

Oh, this war-trial has a long pre-war history.

Politicians always promise to turn the rascals out, they demand that the rascals be turned out, for the sake of good government and the salvation of the common people. But with each election the ins are always the rascals and the outs are the saviors. And somebody finances them both, as they financed Roosevelt and Willkie, so that no matter which one gets elected the financiers have their man in power.

Does Mr. Roosevelt, does Mr. Churchill REALLY mean that they propose to enact an honest to goodnes trial, with prosecutors and defendants, to bring out the FACTS and punish those guilty of war crimes? Why, that reminds us of Pearl Harbor; what happened to the trial of the army and navy commanders?

And that is only part of the field of warmakers.

Looking to Japan. Who was it that refused to join the U. S. in protest when the Japs scrapped solemn treaties and invaded China?

And who said in a public speech that he worked hard to get the U. S. into the war against Japan?

The war guilt is not an one-sided proposition. It takes two to make a quarrel. Will the defendants get a fair trial? Or will they be lynched?

President Roosevelt should be congratulated on the idea of meting out punishment to war criminals after due process of law has been satisfied in a public trial. We won't need then further "Nye-investigations" because the defendants certainly will spill the beans in order to defend themselves and that's what we want. Or will it be a "Moscow trial"?

We hope the GUILTY are dragged into the limelight, for the Duces, the Fuehrers and the Mikadoes are the tools of those behind them who make their profits from war and use the puppetts and crackpots to pull the chestnuts out of the fire for them and take the historic "glory" or blame.

The history of Napoleon and all the devastation of his armies show that he was working hand in glove with the most notorious bankers who profited, both from Napoleon's defeats and "victories" by buying and selling stock and establishing themselves as the financial overlords of the "city" in London when Napoleon lost his battle to the English.

By all means, let's find and punish the war criminals after an open and fair trial so that the truth, the whole truth and nothing but the truth be publicly revealed to the mothers, fathers, wives, husbands and children of those whose dear ones gave their lives in this war.

READERS DIGEST for August, 1943, carries an article by Henry J. Taylor: BOONDOGGLING on a Global Basis. On page 4: "The government's policies abroad are undermining the morale of our troops". Now what is Mr. Biddle and his assistant, O. John Rogge waiting for? Why does the U. S. Attorney General not institute Grand Jury proceedings against the bureaucrats "in the city of Washington, D. C." for conspiracy to "demoralize the armed forces"? Why does he have to drag 33 publishers of small papers on such a farfetched charge to Washington, D C. when he has the best chance under the sun to clean up his own bailiwick?

—B—

De Priest Requests Instructions to Grand Juries

FIRST COURT MOTION
of its kind in
115 YEARS

(Continued from last week)

Grand Jury Independent in England

This is true, even today, in England; the **prosecutor** not only does not attend the grand jury's sessions, he **does not even draw the indictments.** So jealous of justice are the liberty-loving English that the indictments are drawn by the clerk of the court from the sworn written evidence developed at the preliminary trial before the magistrates (or justices of the peace), and the grand jurors in calm deliberation study the nature of the evidence, **in each case having the advice of the judge on the law,** before reporting a true bill or rejecting the bill altogether. (See Halsbury's **"Laws of England",** Volume 9, "Criminal Procedure", Pages 139-140, Sec. 184).

In our United States, the power of drawing bills of indictment was early given to the district attorney, and in 1906 also to the Department of Justice. It was only in the latter half of our history that the opportunity of examining witnesses was given to the prosecutors, before the grand jury, but they have never been given the power of **cross-examining its witnesses.** The prosecutor has no right to recommend evidence, or argue for an indicment, or to be present and take part in the grand jury's deliberations. If he does so, he invalidates the indictment. **(U. S. v. Wells, 163 Fed. 313.)**

So that this grand jury may know what their legal status and duties are. I now quote from the **"U. S. Code of Laws Annotated", Title 28, Sec. 421,** Judicial Code, Annotated, P. 495:

"5. Control by courts.—A grand jury has no existence aside from the court which calls it into existence and on which it is attending, and does not, after it is summoned, become an entirely independent body, in view of this and the following section, giving the court discretion to summon and discharge a grand jury, so that **it cannot function,** at its uncontrolled will or the **will of the district attorney** or special assistant. **(287 F. 219):"**

"While a grand jury is an independent body with the right to inquire, without the necessity for a previous charge against anyone, and its proceedings are and should be secret, nevertheless courts of law have inherent power over their own process, to prevent the abuse of discretion and injustice, and in the exercise of that power may **disregard the secrecy of grand jury proceedings whenever the needs of justice require it.** Id. . . . .

"It can never . . . become an immaterial matter to the court what may be done with its process or with its grand jury. A COURT WOULD NOT BE JUSTIFIED, EVEN IF IT WERE SO INCLINED, TO CREATE OR CALL INTO EXISTENCE A GRAND JURY AND THEN GO OFF AND LEAVE IT. **A SUPERVISORY DUTY NOT ONLY EXISTS BUT IS IMPOSED UPON THE COURT TO SEE THAT ITS GRAND JURY AND ITS PROCESS ARE NOT ABUSED FOR PURPOSES OF OPPRESSION AND INJUSTICE."** (End of quotation from Annotation in the Code).

The court now calls to your attention one of the outstanding cases of Federal grand jury manipulations in the history of our country, in order that you may be on guard against allowing similar misconduct, should it be attempted in your presence. From the case of **"U. S. v. Wells, 163 Fed. 313,"** we quote the court's remarks, as follows: (condensed)

"While the Fifth Amendment of the Constitution enables the people, through the **grand jury system,** to initiate criminal prosecutions, it was primarily adopted and STILL STANDS AS A SAFEGUARD AGAINST ARBITRARY AND OPPRESSIVE ACTION . . .

"The district attorney has no right to participate in nor be present during the deliberations of a grand jury, nor to express opinions on questions of fact, or as to the weight and sufficiency of the evidence.

"MISCONDUCT OF DISTRICT ATTORNEY. The district attorney, at the conclusion of the evidence, without invitation from the grand jury, or requests for informtaion or advice, made an extended address, in which he commented

(Continued to Page Three)

upon and reviewed the evidence and explained and **applied the law** thereto for the purpose of securing an indictment. The remarks amounted to an expression of **opinion that the defendants were guilty** and that the grand jury should return an indictment against them. At the conclusion of the address, without deliberation other than that had during its delivery, and without discussion among themselves, the grand jury proceeded to ballot on the persons under investigation, a list of whom the district attorney furnished during the course of his remarks.

"HELD, that while the mere presence of a prosecuting attorney during the taking of a vote or during the deliberations, through inadvertance and without intending to influence any action which may be taken, is not necessarily fatal to a bill returned under such circumstances, yet where the prosecutor not only EXPRESSES HIS OPINION, but **urges the finding of an indictment,** and it is clearly shown that the grand jury must necessarily HAVE BEEN INFLUENCED, WHETHER CONSCIOUSLY OR UNCONSCIOUSLY, and particularly where it is manifest that at least one defendant was indicted without substantial evidence, **PREJUDICE WILL BE PRESUMED, and AN INDICTMENT SO RETURNED WILL BE QUASHED."** (Ed. Note.—For cases, see Cent. Dig., Vol. 24, S. 73).

In this Wells case, the district attorney, in order further to prejudice and coerce the grand jurors, said that in asking for an indictment against these defendants and others, he was **"acting under specific instructions from the Department of Justice at Washington",** and that he "had other evidence to present at the trial." . . . . Jurors who requested to make a statement were CUT OFF, and the balloting proceeded, with the district attorney present.

At this point, the court would charge that you are not to be influenced in the slightest degrees AGAINST any person because of the prosecutor being a representative of the Justice Department, which is an arm of a political administration under our form of FREE GOVERNMENT. Keep fresh in your mind the noble statement of Supreme Court Justice Story, from whose famous book on our "Constitution", the decision in the Wells case, page 324, quotes, as follows:

"Grand juries perform most important public functions, and are a great security to the citizens AGAINST VINDICTIVE PROSECUTIONS EITHER BY THE GOVERNMENT, OR BY POLITICIAL PARTISANS or by private enemies."

(To Be Continued)

———B———

"He that violates his oath profanes the divinity of Faith itself".—Cicero.

I did not read this inscription on the portal of the White House when I was in Washington this year. I read it above the entrance to the Los Angeles city hall. A timely reminder.

———B———

Running after women never hurt anybody—it's catching them that does the damage.

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Good
THOUGHT

Good WORD — Good DEED

Ainyahita in Pearls

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PEARL ONE

MAZDA AND AINYAHITA

(Continued from last week)

Chapter IV

At the cool of twilight, at the close of the summer season, Ainyahita knelt at the Tree of Wisdom to pour out her sorrows to MITHRA*, the god of wide pastures, who favored the household with the healthiest of sheep and the best of cows; whose Fravashis**, the intelligence of growth and perfection, showered blessings upon them in due time and season.

Mithra answered thru Vat, the messenger of winds, announcing the coming of Mazda upon the wings of the dying sun, ready to be curtained off from the gaze of the East by the veil of the West, and lo and behold, the snow-capped mountains were suddenly set aglow at their tops and the Crimson of Ethera mirrored proudly her flowing gowns thru the air, whose breezes breathed the most sacred of all the names: Mazda.

Ainyahita raised her eyes, filled with tears, to the heights above, amazed at the dazzling splendor of the numerous attendants of her Lord thru Nature's complex phenomena. She saw Him in her teardrops and in the rays of twilight, she saw Him on the mountain-top; she saw Him before her feet as the gentle breezes rose to cool her burning brow.

"Ainyahita, thou purest of the gems of heaven and pearls of the earth, why weepest thou?"

And Ainyahita answered and said: "Thou evershining, luminous majesty; thou Sun of my soul; thou Savior dear; thou art more than life to me; thou who createst all the universe, who givest power and glory unto all, thou knowest it."

"Ainyahita, and if I know, am I to tell? Remember, yea, remember, thou pearl of greatest price, although I know the secret of men's hearts, I am not to show it that I know. I am not to show it out of compassion, out of love for those associates of mine."

"Then thou knowest, O thou holiest of heavens, whose everlasting arms encompass the depht of space, the height of realms, whose wings of glory overshadow length of time; thou who art the Ancient of Days, thou knowest that I have failed to raise a flower unto thy remembrance and thy glory."

"Ainyahita, thou diadem of pure delight, who giveth lustre to the dewdrops and whose eyes impart the glitter to the waters of the earth, blessed art thou among all the blessed, for it is thine, yea, thine alone, to control **the waters of birth.** Thy love and compassion is that of thy Lord, and now listen to what Spyenta Mainyus*** reveals unto thee."

Editor's Note: It is the Spirit, not the mind, that motivates men's actions. The Mind is merely an instrument, a means, an executive. The "battle", according to Avestan teachings, is between these two motives: Spyenta Mainyus vs. Angro Mainyus. The first represents the purpose of Mazda, Highest Intelligence. The latter represents conceit. Said the conceited man in his heart: " There is no God. I alone KNOW." This ignorant knowledge, naturally, misleads. It leaves out the most important factor, namely, that the passing, the temporal, the secondary is not LASTING, not fundamental, not principle. Only unchanging principle remains in power when time and events pass by.

*MITHRA: The soul intelligence that awakens the fire of the seed unto growth, imparting showers of abundance upon fields, meadows and pastures.

** The FRAVASHI is the inner power in every being that maintains it and makes it grow and subsist.

***SPYENTA MAINYUS: The good, holy Spirit, controlling the mind for good.

(To Be Continued)

COURT REVERSES GROS CONVICTION

SAN FRANCISCO— The U. S. circuit court of appeals has reversed an earlier decision upholding the conviction of Mrs. Frances Gros on charges of conspiracy and failing to register with the state department as an agent of the German government.

———B———

Turkish firemen got so excited over reports of a fire that they arrived at the scene without their apparatus. Just like Americans going to war.

———B———

Behind the United Nations air campaign against Germany seems to be a determination to give the Nazis goose-flesh to go with their goose-step.

———B———

Chaplain preached forceful sermon on Ten Commandments. Private went away in serious mood, but brightened up as he said, "Anyway, I never made a graven image."—New York Times Magazine.

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August 18, 1886 - 1943

The coming year, counting from the 18th of this month, is a year of sacrifice for me. It will set me apart; while supposed to down me, it will lift me to even greater distinction.

I was born in Dorohoi, Rumania, on Aug. 18, 1886, to a Greek father, from a Polish mother. Father dark haired, brown eyes, mother red headed and blue eyed. His name was Nicolai Lagenopol, her's Filomela Bilinski. Curiously enough, both of them were raised in the Greek Orthodox faith and that is how they became acquainted when father made a foot pilgrimage to the shrine of St. Nicolai in Suceava, Bucovina, where mother lived at the time with her folks. And I inherited this religious inclination; was born a mystic.

"In hoc signo vinces"

My job in life is to bring home to us that the longing which we have for "security", the longing which we have for "home" is nothing else but the memory of the time when all of us gathered together, before creation of the world, and were one big happy group, a family, discussing in open meeting what we wished to do during the next creative period. Everyone of us had his say. The decision we finally made, after full discussion, is the purpose of our being here. Eons have passed. Finally the world materialized and we incarnated. We do not remember a thing as far as details are concerned, but we have a longing in our hearts that drives us on and it is a common longing in all of us. That is the final decision to which we all agreed before creation started. Creation is nothing but the execution of our agreement. We worked hard and we produced this world. It is our world, we are responsible for what we find.

But the work is not finished. It is still in process of unfoldment. My job is to remind you that all the powers are placed in our hands to make this a heaven or a hell. That sense that makes us all want the same security and happiness; that makes us work for it, is the tie that unites us. My business is to rediscover the truth, the truth about our own decisions when we as creative spirits, gathered in council, before the beginning of the world. If we had not decided then to live together on this earth, we could not be here, for FREEDOM means free choice. The very fact that we are here together demonstrates that we chose to do it, for the notion that "God" would do things for us is preposterous superstition. God is not our lackey. God leaves us liberty, AFTER we inherited all HIS creative powers, to create our own earth, our own heaven, our own hell.

The concept of liberty where each produces his own, is the American concept of life and self-government. This concept by which we respect the impulse, the desire of everyone of us to be self-reliant and produce our own, is the basis of our constitution, individually, humanly and socially as an organization, WE the people of the U. S. A.

You can tell an American by noticing that he is creative and not a sponger, not a thief or murderer. The American wants to be a creator. He produces plenty and to spare. All others are not Americans whether they were born here or immigrated. They are aliens.

The aliens want to enslave the American who produces more than he personlly needs, by regimenting him.

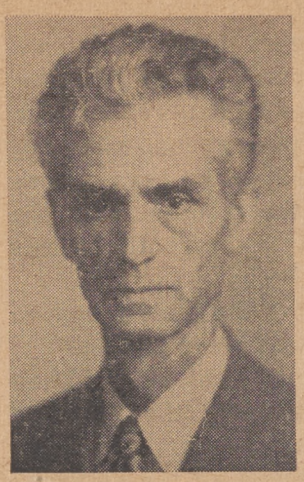
Of course, I denounce the aliens and therefore I am to be eliminated, liquidated, as the aliens so quaintly call it.

During this melee with the alien crowd who has staffed our government administration with their ilk, I find myself in the spotlight. They spotlight me. The purpose is twofold: Will I scare and desert the American concept of life and become a willing tool for their plans of regimenting Americans into slavery? Will you run for your lives, like Peter did at the "trial" of Jesus and add to the power of the aliens in our midst to "liquidate" the constitution because it belongs to the "horse and buggy" age? For when I am liquidated for upholding the individual concept of American life, then our whole U. S. IS LIQUIDATED, because the principle of God-given, inalienable rights is liquidated. And without it America becomes just another country where the people are subjects, not freemen.

Personally, I cannot be downed. I can be killed, jailed, crippled, but I cannot be downed. because I took an oath of allegiance. That is something to think about. An oath is a covenant with God. And as long as I keep my part of the covenant, God and I form the majority. I can die for it, but I cannot be made to reneg as Peter did .

This is the gauntlet with which I am slapping the faces of the alien crowd. They have proscribed me and THE BROOM, but we are still on deck. They control the finances, but not alltogether. There is still the widow's mite that is set aside for the Lord's service and this tithe does the work; it counts for more than billions, like the pebble David threw at Goliath. Just a small pebble.

STILL ALIVE after 6 months in Jail !



C. Leon de Aryan

At this season, when every little bit counts, the spotlight is telling you, "that man is fighting your battles". Are you doing your bit?

It is proper and necessary that you honor my birthday and honor yourself, by doing your bit to pay the cost of the battle I am waging. It is the most appropriate birthday present you can give me. I live to defeat the alien crowd and I need your help.

———B———

PROTESTANT PASTORS SEIZED BY NAZIS

BERN— A number of Protestant preachers **have recently been arrested in Germany, it** was learned here, because they declared from the pulpit that the bombings of German cities "must be viewed as the just retribution for the suffering imposed by Germany on other peoples".

The report was published by the Evangelical Press Service of Zurich, an organ of the Swiss Protestant churches.

———B———

A fellow with nothing else to do has built a violin out of match sticks—just the thing for a hot tune.

OPA TYRANNY OVER LANDLORDS

The Smith committee of the House, which investigated the arrogant OPA bureaucracy, has condemned its misuse of power in no uncertain terms. It has recommended that state courts handle the matter of adjustment of rents instead of debarring the state courts from jurisdiction as has been done in San Diego.

Totalitarianism is based on "remote control". When Washington socialists and communists, as well as fascists, make the rules for San Diego citizens and deprive them of the right to enter their own courts for adjudication of grievances, we have exactly what the totalitarians wanted. They and their henchmen control us and all we can do is pay the taxes and feed the parasites.

Who said "it could not happen here"? We've got it when Municipal Judge Shell was deprived of jurisdiction over the OPA strangulation of San Diego property owners and renters who are debarred from adjudication of their complaints by a judge familiar with San Diego pre-war and present conditions.

———B———

"Viereck Had No Fair Trial",

ATTORNEY SAYS PROSECUTOR PREJUDICED THE JURY

WASHINGTON—Arguments for a new trial for George Sylvester Viereck, convicted of failing to reveal his entire activities as an agent of the German Reich, were begun in District Court before Justice Bolitha J. Laws.

John J. Wilson, who was appointed by the court along with Leo A. Rover to represent Viereck, argued that the court had allowed prejudicial evidence to be heard by the jury.

This evidence was that Viereck at the trial of George Hill, convicted of perjury, had declined to testify on the ground he would incriminate himself. When this evidence was introduced into Viereck's own trial, Wilson said, the jury could not help but be prejudiced against him.

Wilson said introduction of this evidence, in effect, destroyed Viereck's constitutional right to a fair trial, because the jury was not appraised of the fact that Viereck had every right not to testify at someone's else's trial, under the Constitution, if he in turn might be incriminated by such testimony. This refusal to testify, said Wilson, did not imply that Viereck was admitting guilt.

George E. McNulty, special assistant to the Attorney General, is to reply to Wilson's arguments before Justice Laws.

———B———

BYRNES REPORTED ASKING BARUCH FOR ASSISTANCE

NEW YORK— The New York Herald Tribune says that James F. Byrnes, director of the office of war mobilization, has "enlisted the aid" of Bernard M. Baruch to help solve manpower shortage problems which, the newspaper says, has caused a drop in the production of war planes.

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